**DISTRICT OFFICE: CESWG** FILE NUMBER: 23973 PROJECT LOCATION INFORMATION: State: Texas County: Calhoun Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: acres. Name of nearest waterway: San Antonio Bay Name of watershed: East San Antonio Bay Huc: 12100403 JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 31 October 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the content of the con United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: San Antonio Bay is a navigable water of the U.S. jurisdictional under Section 10 of the Rivers and Harbor Act.

FILE NUMBER: 23973

	Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA R	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Seadrift, Texas  U.S. Geological Survey 1.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Accological Survey 15 Minute Historic quadrangles:  U.S. Accological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17786

## PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 30' 26"N, 94 58' 22"W Approximate size of area (parcel) reviewed, including uplands: 178 acres.

Name of nearest waterway: Galveston Bay Name of watershed: West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s) Date: 21 Nov 05

Date: 21 Nov 05

Date(s):

### Jurisdictional Determination (JD):

eliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the notates" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable eference 33 CFR part 331).
1

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands i.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are no waters of the United States within the project area.

FILE NUMBER: D-17786

T.s	ateral E	extent of Inriedictions (Deformed 22 CED	200 1000	FILE NUMBER: D-1//
150		Extent of Jurisdiction: (Reference: 33 CFR parts		
â a	Orai	nary High Water Mark indicated by:	🚇 Hig	th Tide Line indicated by:
	Ш	clear, natural line impressed on the bank	i i i	oil or scum line along shore objects
		the presence of litter and debris	Ħ	fine shell or debris deposits (foreshore)
		changes in the character of soil	片	the shell of debtis deposits (foreshore)
	Ħ	destruction of townstrial and activities		physical markings/characteristics
		destruction of terrestrial vegetation		tidal gages
		shelving		other:
	Ш	other:		
Test.	Maan	High Water Mark 1 1 1 1 1 1		
I SE	Mean	High Water Mark indicated by:	<b>-</b>	
	sc	rvey to available datum;  physical markings; [	_ vegetation	lines/changes in vegetation types.
Ž.	Wetla	and boundaries, as shown on the attached wetland	delineation n	nap and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:		
	The re	eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR pa	rt 328(a)(1, 2	, or 4-7).
X	Head	quarters declined to approve jurisdiction on the ba	sis of 33 CFF	R part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that d States:	the following	waters present on the site are not Waters of the
		Waste treatment systems, including treatment pe	onds or lagoo	ons pursuant to 33 CFR part 328 3
		Artificially irrigated areas, which would revert t	o upland if th	ne irrigation ceased
		Artificial lakes and ponds created by excavating	and/or dikin	g dry land to collect and
		retain water and which are used exclusively for	such purpose	s as stock watering, irrigation, settling basins, or
	_	rice growing.		
		Artificial reflecting or swimming pools or other	small orname	ental bodies of water created
		by excavating and/or diking dry land to retain w	ater for prima	arily aesthetic reasons
		Water-filled depressions created in dry land inci	dental to con-	struction activity and nits excavated in dry land fo
		the purpose of obtaining fill, sand, or gravel unle	ess and until t	the construction or excavation operation is
		abandoned and the resulting body of water meet	s the definition	on of waters of the United States found at 33 CFR
		328.3(a).		or the orange of the orange of the orange of the
	$\boxtimes$	Isolated, intrastate wetland with no nexus to inte	rstate comme	erce.
		Prior converted cropland, as determined by the N	Natural Resou	arces Conservation Service. Explain rationale:
	П	Non-tidal drainage or irrigation ditches excavate		
		Other (explain):	d on dry rand	i. Explain rationale:
		-		
DATA F	EVIE	WED FOR JURSIDICTIONAL DETERMINA	TION (mark	call that apply):
区	Maps,	plans, plots or plat submitted by or on behalf of the	ne applicant.	· · · · · · · · · · · · · · · · · · ·
	Data sl	heets prepared/submitted by or on behalf of the ap	plicant.	
	☐ Th	nis office concurs with the delineation report, date		pared by (company):
	Πīπ	his office does not concur with the delineation reports	a , prop ort dated	, prepared by (company):
	Data sl	heets prepared by the Corps.	ort, dated	, prepared by (company):
×	Corns'	navigable waters' studies:		
		eological Survey Hydrologic Atlas:		
	U.S. G	cological Survey Tyurologic Atlas:	. 1:00 m	
	U.S. G	eological Survey 7.5 Minute Topographic maps: 1	Bacliff, Texas	s quad (1982)
	U.S. G	eological Survey 7.5 Minute Historic quadrangles	: Cliftonby th	ne Sea, quad (1943)
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
	USDA	Natural Resources Conservation Service Soil Sur	vey: Soil Sur	vey of Galveston County
M	Nation	al wetlands inventory maps: Bacliff and Texas Cit	y, Texas qua	ds
		ocal wetland inventory maps:		
M	FEMA	/FIRM maps (Map Name & Date): Galveston Cou	inty, Texas 2	2 May 1983
	100-ye	ar Floodplain Elevation is: (NGVD)		
	Aerial 1	Photographs (Name & Date): 1995, 2002 CIR and	undated real	color submitted with request
	Other p	photographs (Date):		-
		ced Identification Wetland maps:		
		sit/determination conducted on:		
4	Applica	able/supporting case law:		
22	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17896

PROJECT LO	CATION INFORMATION:
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State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

Lat: 30.45.14 Long: 95.03.43

Approximate size of area (parcel) reviewed, including uplands: 0.1 acres.

Name of nearest waterway: Lake Livingston

Name of watershed:

Trintiy River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 November 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits the content of the limits and the limits are content of the limits and the limits are content of the limits ar United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral :	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	1.220	21	FILE NUMBER: D-17896
	Ord	dinary High Water Mark indicated by:	1325 <b>1</b> ∐;	y) iah	Tido I in a to discount
		clear, natural line impressed on the bank	, 'L'	ığıı	Tide Line indicated by:
	Ц	the presence of litter and debris	F	╡┆	oil or scum line along shore objects fine shell or debris deposits (foreshore)
	Ц	changes in the character of soil	F	┪;	physical markings/characteristics
	H	destruction of terrestrial vegetation	_ ~	ቫ ¦	tidal gages
	Ц	shelving	┌		other:
	Ш	other:	_	<b>-</b> `	,
	Mea	on High Woton Mad 1 1 1			
		an High Water Mark indicated by:			
	۰	survey to available datum; physical markings; veget	tatio	n lii	nes/changes in vegetation types.
		tland boundaries, as shown on the attached wetland delinea			
		-	tion ,	maş	y and/or in a defineation report prepared by:
Bas	sis For	r Not Asserting Jurisdiction:			
	Ine r	reviewed area consists entirely of uplands.			
	Head	ble to confirm the presence of waters in 33 CFR part 328(a)	(1, 2)	2, 01	r 4-7).
菌	I I Cuu	address acciliated to approve infradiction on the basic of 22		D	- 4 200 27 372
-		Corps has made a case-specific determination that the folloged States:	wing	g wa	aters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or l	lagoo	ons,	pursuant to 33 CFR part 328.3.
	$\overline{\Box}$		1 18 66	hai	emicrotian 1
		Artificial lakes and ponds created by excavating and/or or retain water and which are used exclusively for such	dikin	ig d	ry land to collect and
		retain water and which are used exclusively for such pur rice growing.			
		Artificial reflecting or swimming pools or other small or	nam	ents	al hodies of water arrest. I
	_	and of diking dividing to relain water for the	nrımı	0001	ti a aath at i
		" are mied depiessions cleated in ary land incidental to	000		notion auticity to the
			initic	on o	of waters of the United States found at 33 CEP
	П				
		Isolated, intrastate wetland with no nexus to interstate co	mme	erce	
	_	Prior converted cropland, as determined by the Natural R	esou	ırce	s Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry	land	l F	Yplain rationals:
	Ц	Other (explain):	runu	<u>L</u>	Apiam radonaic.
DATA RI	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION (n	nark	ali	that anniv).
Ammong		Process of plat subliffice by or on behalf of the applica	ant.	. 411	шас арріу).
	Data Sil	incus prepared/submitted by or on behalf of the applicant			
	In:	IIIS Office concurs with the delineation report, dated	prep	arec	d by (company):
I 📳	Im	his office does not concur with the delineation report dated			prepared by (company):
	Jaia Sii	heets prepared by the Corps.  navigable waters' studies:			
i ii	J.S. Ge	eological Survey Hydrologic Atlas:			
<b>Ø</b> 1	J.S. Ge	cological Survey 7.5 Minute Topographic maps: Onalaska			
II U	J.S. Ge	eological Survey 7.5 Minute Historic quadrangles:			
D t	).S. Ge	eological Survey 15 Minute Historic quadrangles:			
l 🗷	SDA I	Natural Resources Conservation Service Soil Survey			
≥ N	iationa.	at wetlands inventory maps:			
S	tate/Lo	ocal wetland inventory maps:			
F	EMA/I	FIRM maps (Map Name & Date):			
	00-year	ar Floodplain Elevation is: (NGVD)			
A	erial P.	Photographs (Name & Date):			
	dvana-	hotographs (Date):			
	uvance	ed Identification Wetland maps: it/determination conducted on:			
	nnlicat	ble/supporting case law:			
O	ther inf	iote/supporting case law:			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-16948

PROJECT	LOCA	TION	INFOR	MATION.

State:

Texas

County: Fort Bend

Center coordinates of site (latitude/longitude): 29° 34' 42"N, 95° 46' 52"W and 29° 34' 30"N, 95° 46' 54"W

Approximate size of area (parcel) reviewed, including uplands: 2- acres

Name of nearest waterway: Brazos River Name of watershed: Lower Brazos

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 23 November 2005 Date(s): 30 November 2005

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \text{(or)} \square there appear to be no "waters of the" United States" arrd/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: No waters of the United States, including adjacent wetlands are present within the two sites.

	Later	al Extent of Jurisdiction: (Reference: 33 CFR	narts 328 and 320	FILE NUMBER: D-16948
		diffially ringh water wark indicated by:	parts 520 and 525	igh Tide Line indicated by:
	Ĺ	dear, natural line impressed on the bank		7 oil or soum line along to
	Ĺ	the presence of litter and debris	<u> </u>	oil or scum line along shore objects
	Ļ	changes in the character of soil	ř	fine shell or debris deposits (foreshore) physical markings/characteristics
	느	destruction of terrestrial vegetation	Ť	tidal gages
	F	] shelving	ř	other:
	L	other:	_	j olioi.
	Пм	ean High Water Mark indicated by:		
		survey to available datum; physical mark	L	
	W Co	etland boundaries, as shown on the attached wo pastal Surveying of Texas	etland delineation	map and/or in a delineation report prepared by:
	Basis F	or Not Asserting Jurisdiction:		
	⊠ Ih	e reviewed area consists entirely of uplands		
	מט 📺	able to confirm the presence of waters in 33 Cl	R part 328(a)(1, 2	2. or 4-7)
		addanters accillicit ili annimbe iliticatettan on i	ha harir - Can On	D
	II.	e Corps has made a case-specific determination	that the following	R part 328.3(a)(3). g waters present on the site are not Waters of the
		Wests transfer in the second		in the site are not waters of the
		Waste treatment systems, including treatm	ent ponds or lagor	ons, pursuant to 33 CFR part 328 3
	H			
	u	- 2 moin lakes and points treated by evest	inting and/or dil.i	
		rice growing.	y for such purpose	g dry land to collect and ss as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or by excavating and/or diking dry land to ret	other small ornam	ental bodies of water created
	_	the purpose of obtaining fill sand or group	incidental to con	arry aesthetic reasons. struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a).	meets the definition	the construction or excavation operation is on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to	interstate comme	
	Ц	Prior converted cropland, as determined by	the Natural Resou	rces Conservation Service. Explain rationale:
	П			
		Non-tidal drainage or irrigation ditches exceed the (explain):	avated on dry land	. Explain rationale:
		•		
DATA	REVI	EWED FOR JURSIDICTIONAL DETERM	INATION (mark	all that
×		e, plans, pious of plat sublified by or on hehalt	of the emplicant	an that apply):
	Data	silects prepared/submitted by or on behalf of the	ne applicant	
		this office concurs with the delineation report	prepared by	(company):
K-2	_ 니 '	his office does not concur with the delineation	report, dated	, prepared by (company):
X	Dala	sheets prepared by the Corps	. ,	, propared by (company).
	Corp	s' navigable waters' studies:		
	U.S.	Geological Survey Hydrologic Atlas:		
	11.5	Geological Survey 7.5 Minute Topographic ma	ps: Richmond, Tx	
	U.S.	Geological Survey 7.5 Minute Historic quadran	gles:	
氮	USD	Geological Survey 15 Minute Historic quadran	gles:	
蔂	Natio	A Natural Resources Conservation Service Soil nal wetlands inventory maps: Richmond, Tx	Survey: Fort Bene	d County, Texas
面	State/	Local wetland inventory maps: Richmond, 1x		
	FEMA	A/FIRM maps (Map Name & Date): Panel 481:	7.00210 * *	
	100-y	ear Floodplain Elevation is: (NGVD)	CU210 J, Janu	ary 3, 1997
Ø	Aerial	Photographs (Name & Date): Richmond Tv 1	0000 1005	
	Other	pnotographs (Date):		
	Advar	ced Identification Wetland mans		
$\boxtimes$	Site vi	sit/determination conducted on: November 30	2005	
Щ	Appno	able/supporting case law:		
	Other	information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC

**FILE NUMBER: I-5205** 

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

29° 40' 01"N, 95° 43' 04"W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Oyster Creek Name of watershed: Oyster Creek

Site visit(s)

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 30 November 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\boxtimes$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1)or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The USGS topographic map indicates a water of the United States, Oyster Creek, is located south of the investigated area. Although, the FEMA map identifies Oyster Creek south of the project boundary, the project area is not within the 100-yr. Floodplain of any nearby waterway. There is some 100 year floodplain south of Morton Road but it is not within the project site and there is no evidence of a hydrological connection to the floodplain. The infrared photo does appear to contain wetland features within the investigated area that meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual but do not appear to be adjacent wetlands to Oyster Creek. The NWI maps did reveal some wetland depressions within the project boundaries. These wetlands are isolated and also do not have a hydrological connection to another waterway or the floodplain. The wetlands do not sustain a nexus to interstate commerce.

FILE NUMBER: I-5205

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>E</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
1,8	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
Base	Sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
<b>公園                                    </b>	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Clodine, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Clodine, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Panel: 48157C0115 J (Jan 3, 1997)  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): Clodine, TX DOQQ -1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	ICT OFFICE: CESWG-PE-RC IUMBER: D-17613
Sta Co Ce Ap Na	CCT LOCATION INFORMATION:  tte: Texas  unty: Harris  nter coordinates of site (latitude/longitude): 29 39'42"N 95 02'15"W  proximate size of area (parcel) reviewed, including uplands: acres.  me of nearest waterway: Little Cedar Bayou  me of watershed: San Jacinto River
JURISI Co	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS C	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17613

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
<b>2</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas S S	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 La Porte  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): November 1996 Harris County  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 La Porte  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** SWG-05-12-042

PROJ	ECT LOCATION INFORMATION:
St	ate: Texas
C	ounty: Brazoria
C	enter coordinates of site (latitude/longitude):  Latitude 29° 11' 08"N; Longitude -95° 07" 56"W (NAD 27)
A	onroximate size of area (nareal) reviewed in 1 1
N	ame of nearest waterway: Galveston West Bay
Na	ame of watershed: West Galveston Bay Huc: 12040204
	West Carveston Bay Title. 12040204
<b>JURIS</b>	DICTIONAL DETERMINATION
	to the second se
	Site visit(s) Date(s):
1	risdictional Determination (JD):
	• ,
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
RACICA	OF HIDISDICTIONAL PERPANAL
	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
Ø	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
$\boxtimes$	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interestate or forming account in the currently used.
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
П	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
靣	(3) The presence of other waters such as introduction laboration (3) the presence of other waters such as introduction laboration (3) the presence of other waters such as introduction laboration (3).
******	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce
	(III) which are or could be used for industrial purposes by industries in interstate commerce
	(4) impoundments of waters otherwise defined as waters of the US
-	(5) The presence of a tributary to a water identified in (1) – (4) above.
片	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
	,

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: SWG-05-12-042** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Hoskins Mound U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other information (please specify): Related oil platform under DA Permit 23465

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: PE-RE** FILE NUMBER: 24022

	PR	OJE	CT I	LOCA	TIO	N INFO	RMA	TION
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State:

LA

County: Cameron Parish

Center coordinates of site (latitude/longitude):

29 59' 27" N 93 43' 12" W

Approximate size of area (parcel) reviewed, including uplands: 1.4 acres.

Name of nearest waterway: Black Bayou

Name of watershed:

Sabine Lake / USGS Cataloging Unit: 12040201

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12/3/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.4 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Black Bayou is tidal and a Navigable Water of U.S. and tributary of Sabine River

FILE NUMBER: 24022

La <b>(3</b>	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  I change in the character of soil tidal gages other:  I change in the character of soil tidal gages other:
2	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: Galveston District List of Navigable Waters  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** PE-RE **FILE NUMBER:** 24021

<b>PROJECT</b>	<b>LOCATION</b>	INFORMATION:
State	TV	

State: TX
County: Trinity

Center coordinates of site (latitude/longitude): 30 51' 40.26" N 95 13' 23.86"

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Lake Livingston

Name of watershed: Lower Trinity-Kickapoo / USGS Cataloging Unit: 12030202

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination
Site visit(s)

Date: 12/3/05
Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lake Livingston is an impoundment of the Trinity River and determined to be Navigable Water of the U.S. by the Galveston District. The Trinity River flows into Galveston Bay which flows into the Gulf of Mexico

FILE NUMBER: 2402/

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Pool Elevation
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: Galveston District List of Navigable Waters  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: PE-RE** FILE NUMBER: SWG0503005

## PROJECT LOCATION INFORMATION:

State:

TX

County:

Harris / Galveston Center coordinates of site (latitude/longitude):

29 32' 57.58" N 95 01' 26.03" W

Approximate size of area (parcel) reviewed, including uplands:

acres

Name of nearest waterway: Clear Lake

Name of watershed:

West Galveston Bay / USGS Cataloging Unit: 12040204

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12/3/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Location of Project is within Clear Lake, (lower reach of Clear Creek) which is tidal and a navigable water of the U.S. Clear Lake is a tributary of Galveston Bay which flows into the Gulf of Mexico.

FILE NUMBER: SWG0503005

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificially infigated areas, which would rever to upland it the infigation ecceses.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 228 2(a)
	328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: District Navigable Waters List  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17801

<b>PROJECT</b>	LOCAT	ION IN	FORMA	TION.
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State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.27.29 Long: 95.01.16

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed:

Galveston Bay

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 5 December 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_\_\_ there appear to be (or) \_\_\_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17801

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba:	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Dickinson  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Histor

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 14114(05)854

#### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.35.42 Long: 95.05.21

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Armond Bayou Name of watershed: Clear Lake

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 5 December 2005 Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

1	-41 E	NA A CT I NA A CO O CO CO		FILE NUMBER: 14114(05)854
L	aterai E	Extent of Jurisdiction: (Reference: 33 CFR part		
L.		nary High Water Mark indicated by: clear, natural line impressed on the bank	Hig	h Tide Line indicated by:
		the presence of litter and debris	님	oil or scum line along shore objects
		changes in the character of soil	H	fine shell or debris deposits (foreshore) physical markings/characteristics
		destruction of terrestrial vegetation	님	tidal gages
		shelving	H	other:
		other:		outer.
***				
Ľ	Mean	High Water Mark indicated by:		
	∐ St	urvey to available datum;  physical markings;	☐ vegetation	lines/changes in vegetation types.
4	Wetl	and houndaries as shown as the stand of the		
	, wen	and boundaries, as shown on the attached wetlan	d delineation n	nap and/or in a delineation report prepared by:
	sis For	Not Asserting Jurisdiction:		
	The r	eviewed area consists entirely of uplands.		
	Unab	le to confirm the presence of waters in 33 CFR p	art 328(a)(1, 2	, or 4-7).
<u></u>	The	quarters declined to approve jurisdiction on the b	asis of 33 CFF	R part 328.3(a)(3).
. Marie	Unite	Corps has made a case-specific determination that d States:	t the following	waters present on the site are not Waters of the
		Waste treatment systems, including treatment	nonda or locas	72 manuscript 22 CPD 4 200 2
	ă	Artificially irrigated areas, which would revert	to unland if th	ns, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating	g and/or dikin	g dry land to collect and
		retain water and which are used exclusively fo	r such purpose	s as stock watering, irrigation, settling basins, or
		rice growing.		
		Artificial reflecting or swimming pools or other	r small orname	ental bodies of water created
		by excavating and/or diking dry land to retain	water for prima	arily aesthetic reasons.
		Water-filled depressions created in dry land in	cidental to con	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel un	less and until t	he construction or excavation operation is
		328.3(a).	ets the definition	on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to in	taretata aamma	waa
		Prior converted cropland, as determined by the	Natural Resou	erces Conservation Service. Explain rationals:
		Non-tidal drainage or irrigation ditches excava	ted on dry land	. Explain rationale:
		Other (explain):	-	•
DATAI	FVIE	WED FOR HIDSIDICTIONAL DETERMINE	· Tronic	
DATA I	Mans	WED FOR JURSIDICTIONAL DETERMIN, plans, plots or plat submitted by or on behalf of	ATION (mark	all that apply):
嚴	Data s	heets prepared/submitted by or on behalf of the a	ine applicant.	
Second	Th.	his office concurs with the delineation report, dat	ippiicani. ed neen	pared by (company)
	Th	nis office does not concur with the delineation re	oort dated	, prepared by (company):
	Data sl	heets prepared by the Corps.	port, dated	, prepared by (company).
	Corps'	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
	U.S. G	eological Survey 7.5 Minute Topographic maps:	League City	
	U.S. G	eological Survey 7.5 Minute Historic quadrangle	es:	
	U.S. G	eological Survey 15 Minute Historic quadrangle	S:	
	Nation:	Natural Resources Conservation Service Soil Su al wetlands inventory maps:	irvey:	
局		ocal wetland inventory maps:		
		/FIRM maps (Map Name & Date):		
面		ar Floodplain Elevation is: (NGVD)		
	Aerial ]	Photographs (Name & Date):		
図	Other p	photographs (Date):		
	Advano	ced Identification Wetland maps:		
	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
Ø	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 14114(05)856

PROJECT LOCATION INFORMATIO	ìN٠	•
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State:

Texas

County:

Harris

Lat: 29.35.42 Long: 95.05.21

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Armond Bayou

Name of watershed: Clear Lake

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 December 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \text{(or)} \square there appear to be no "waters of the" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wetters, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La E	FILE NUMBER: 14114(05)85  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:  Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	s For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
U U U U U U U U U U U U U U U U U U U	WIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  laps, plans, plots or plat submitted by or on behalf of the applicant.  ata sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23963** 

PROJECT	LOCA	TION IN	FORMA'	TION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.27.29 Long: 95.01.16

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Dickinson Bayou

Name of watershed: Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 5 December 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \text{(or)} \square there appear to be no "waters of the" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23963

La	teral F	Extent of Jurisdiction: (Reference: 33 CFR parts 32		• • •	FILE NUMBER: 2396
	Ordi	inary High Water Mark indicated by:			
		alon naturally indicated by:	Шŀ	ligh	Tide Line indicated by:
	H	clear, natural line impressed on the bank			oil or scum line along shore objects
	님	the presence of litter and debris			fine shell or debris deposits (foreshore)
	$\sqcup$	changes in the character of soil			physical markings/characteristics
		destruction of terrestrial vegetation		Ħ.	tidal gages
		shelving		H	other:
		other:	ļ	ш	outer.
	Mean	n High Water Mark indicated by:			
-	☐ sı	urvey to available datum; physical markings;	vegetati	on l	ines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland d	elineation	n ma	ap and/or in a delineation report prepared by:
Bas E	The ro Unable Heado The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part quarters declined to approve jurisdiction on the basi Corps has made a case-specific determination that the d States:  Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing.  Artificial reflecting or swimming pools or other sr by excavating and/or diking dry land to retain wat Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets t 328.3(a). Isolated, intrastate wetland with no nexus to inters	s of 33 C e following ds or lag upland if nd/or dik ch purpo mall orna er for pri ental to co s and unt the defini	oon the ting sees men mar onst il the tion	part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or atal bodies of water created ily aesthetic reasons. ruction activity and pits excavated in dry land for e construction or excavation operation is of waters of the United States found at 33 CFR
	_	Prior converted cropland, as determined by the Na	tural Res	our	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry la	nd.	Explain rationale:
	Data sh Th Th Data sh Corps' U.S. Ge U.S. Ge J.S. Ge J.S. Ge J.S. Ge Corps The corps of the corps of the corps The corps of the corps o	wed for Jursidictional determination plans, plots or plat submitted by or on behalf of the neets prepared/submitted by or on behalf of the application of the concurs with the delineation report, dated his office does not concur with the delineation report neets prepared by the Corps.  Inavigable waters' studies:  Heological Survey Hydrologic Atlas:  Heological Survey 7.5 Minute Topographic maps: Diceological Survey 7.5 Minute Historic quadrangles:  Hological Survey 15 Minute Historic quadran	applicant icant. , pr , dated	t.	red by (company): , prepared by (company):
A A	Other pladvance ite visi applica	hotographs (Date): ed Identification Wetland maps: it/determination conducted on: ble/supporting case law: iformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC **FILE NUMBER:** D-10781/(03)

1	PR	O	IF	CT	T.	O	^ <b>A</b>	TI	n	N	IN	FC	D	МА	TION	ν.

State:

TX

County: Galveston

Center coordinates of site (latitude/longitude): 29° 12′ 36"N, 94° 56′ 27"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Gulf of Mexico

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12/05/05

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\sum\_{\text{there appear to be no "waters of the United States"}\) and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands (per the 87 WDM) are located in the 100-yr flood plain and may include a portions of tidally affected waters.

FILE NUMBER: D-10781/(03) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foresho
physical markings/characteristics clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: П other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 & 2003

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): previous determianitons

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

n	TCTD	СТ	OFFICE:	CECIVO	DE DO
D	121K	IC I	OFFICE:	CESWG-	PE-RC

FILE NUMBER: D-17609

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

JASPER Center coordinates of site (latitude/longitude):

30 39'38"N 93 53'34"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Trout Creek Name of watershed: JAN Neches River Sabine

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 December 2005

Site visit(s)

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Trout Creek flows to the Sabine River

	FILE NUMBER: D-17609
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
韓	inglified blue maleuted by.
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
<b>3</b>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
_	
	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
23	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	The Ministral distance and the state of the
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	United (explain).
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
<u>X</u>	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
SW.	Data sheets prepared by the Corps.
3	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
×	U.S. Geological Survey 7.5 Minute Topographic maps: 1984 Kirbyville
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
2	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
<b>3</b>	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
8	Other photographs (Date):
	Advanced Identification Wetland maps:
<b>#</b>	Site visit/determination conducted on:
	Applicable/supporting case law:
8	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-17609

PRO	IECT	LOCA	TION	INFORM	MATION:

State:

Texas

County:

NEWTON Center coordinates of site (latitude/longitude):

30 49'58"N 93 39'46"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Ouicksand Creek

Name of watershed:

Sabine River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 December 2005

Site visit(s)

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear the limit the limit there appear the limit the limit the limit the limit there appear the limit the li United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Machine There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Trout Creek flows to the Sabine River

FILE NUMBER: D-17609

L [i	ateral E	extent of Jurisdiction: (Reference: 33 CFR parts 32			TIBE NOMBER, D-1/00
L2		nary High Water Mark indicated by: clear, natural line impressed on the bank	■ I	∃igh	Tide Line indicated by:
		the presence of litter and debris		H	oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil		H	physical markings/characteristics
		destruction of terrestrial vegetation			tidal gages
		shelving			other:
	_	other:			
13	Mean □ en	High Water Mark indicated by:			
	_	rvey to available datum; physical markings;			
	Wetla	and boundaries, as shown on the attached wetland de	lineatio	n m	ap and/or in a delineation report prepared by:
		Not Asserting Jurisdiction:			
Marie Company	Unable	eviewed area consists entirely of uplands. e to confirm the presence of waters in 33 CFR part 3	20(~)(1	2	an 4.70
	Headq	uarters declined to approve jurisdiction on the basis	of 33 C	, 2, FR	0r 4-/). part 328 3(a)(3)
4.40		orps has made a case-specific determination that the d States:	follow	ing v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment pond	ds or lag	oon	s, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert to u	ıpland it	f the	e irrigation ceased
	Щ	Artificial lakes and ponds created by excavating an retain water and which are used exclusively for suc	ia/or aik ch purnc	ang Ses	as stock watering irrigation settling basins or
		rice growing.			
		Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain wate	all orna	mei	Ital bodies of water created
		water-filled depressions created in dry land incider	ntal to c	onst	truction activity and nits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the	and unt	il th	e construction or excavation operation is
		320.3(a).			
		Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the National States of the National S	ate com ural Res	mer sour	ce. ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated o			
		Other (explain):	,		
DATA I	REVIEV	VED FOR JURSIDICTIONAL DETERMINATION	ON (ma	rk.	all that annly).
24	Maps, p	plans, plots or plat submitted by or on behalf of the a	applican	t.	an that apply).
	Data sh	neets prepared/submitted by or on behalf of the application of the app			
	Нπ	is office concurs with the delineation report, dated is office does not concur with the delineation report,	, p	repa	ared by (company):
5	Data sh	neets prepared by the Corps.	uaicu		, prepared by (company):
	Corps'	navigable waters' studies:			
22 22	U.S. Ge	cological Survey Hydrologic Atlas:		_	_
	U.S. Ge	eological Survey 7.5 Minute Topographic maps: 198 cological Survey 7.5 Minute Historic quadrangles:	4 Newt	on E	iast
	U.S. Ge	cological Survey 15 Minute Historic quadrangles:			
	USDA 1	Natural Resources Conservation Service Soil Survey	<b>/</b> :		
		al wetlands inventory maps:			
		ocal wetland inventory maps: FIRM maps (Map Name & Date):			
		r Floodplain Elevation is: (NGVD)			
52	Aerial P	Photographs (Name & Date):			
	Other pl	hotographs (Date):			
	Advance	ed Identification Wetland maps: it/determination conducted on:			
		ble/supporting case law:			
	Other in	formation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17609

PRO	JECT	LOCA	TION	INFOR	MATION

State: Texas County: Jasper

County: Jasper
Center coordinates of site (latitude/longitude):

30 54'30"N 94 04'32"W

Approximate size of area (parcel) reviewed, including uplands:

olands: acre

Name of nearest waterway: Big Sandy Creek

Name of watershed: Neches River

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

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Date: 5 December 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\boxtimes$  (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Big Sanbdy CDreek flows to the Neches River

FILE NUMBER: D-17609 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1984 Jasper West U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	OFFICE:	CFSWG-P	F-PC
DICTICI	OFFICE.	CES M G-L	E-KU

FILE NUMBER: D-17612

	LOCATION INFORM	MATION.
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State:

Texas

County:

Jefferson Center coordinates of site (latitude/longitude):

29° 54' 54"N, 93° 56' 37"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Gulf of Mexico

Name of watershed:

Atlantic Basin

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 December 2005

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17612 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur North U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2005 True Color Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-14-037

PROJECT LOCATION INFORMATION	N
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State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

Lat: 30.08.04 Long: 95.13.27

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Caney Creek Name of watershed: San Jacinto River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 December 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Please see File No. D-14495

FILE NUMBER: SWG-05-14-037

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba III III III	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23949** 

PR	O	JF.	CT	ĭ	O.	CA	'n	r I	a	N	T	N	FC	ì	7	A A	T	ī	N.

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29.2983N; 94.9269W Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Galveston Bay Name of watershed:

Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 6 December 2005

Site visit(s)

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits the limits of the limits are the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23949 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virginia Point, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23943

PR	O	JF	CT	' I.	O.	C	47	۲T	O	N	m	J F	ìR	٦	TΔ	TI	ON·

State: Texas County: Harris

Center coordinates of site (latitude/longitude):

29.8750N; 95.0950W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: San Jacinto River Name of watershed: San Jacinto River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 6 December 2005

Site visit(s)

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
  - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
    - (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

]	Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 3	20 1220	FILE NUMBER: 23943
l	Orc	dinary High Water Mark indicated by:	28 and 329	<b>'</b> )
,		clear, natural line impressed on the bank	n Hi	gh Tide Line indicated by:
	$\overline{\sqcap}$	the presence of litter and debris	Ļ	oil or scum line along shore objects
	ñ	changes in the character of soil	Ĺ	fine shell or debris deposits (foreshore)
	Ħ	destruction of townstain and a	L.	physical markings/characteristics
	Ħ	destruction of terrestrial vegetation shelving		tidal gages
	片	other:		other:
		other:		
F	Mea	an High Woton Month in 1'		
***		nn High Water Mark indicated by:	_	
		survey to available datum; physical markings;	vegetation	n lines/changes in vegetation types.
E				
		land boundaries, as shown on the attached wetland d	enneation i	map and/or in a delineation report prepared by:
В	asis For	r Not Asserting Jurisdiction:		
	Linch	reviewed area consists entirely of uplands.		
Ē		ble to confirm the presence of waters in 33 CFR part	328(a)(1, 2	2, or 4-7).
	<b>2</b> - 10 uu	iqualities declified to approve illrightetion on the book	£ 22 OF	
	Ine	Corps has made a case-specific determination that the date:	e following	2 Waters present on the site are not Waters of the
	닖	Waste treatment systems, including treatment pon	ds or lagoo	ons, nursuant to 33 CEP part 229 2
		The control of the co	nd/ar dilein	
		in the state which are used exclusively for sin	ch purpose	S as stock watering irrigation and the t
		Artificial reflecting or swimming pools or other sn	nall orname	ental hodies of water erected
	_	- J	ar tar nrimi	omila, a a ad
		" ato: Tilled deplessions elegied in the land incide	ntal to som	
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to	and until t	the construction are all the constructions are al
		abandoned and the resulting body of water meets to 328.3(a).	he definitio	on of waters and the Maintain operation is
		328.3(a).	ne demini	of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interst	ata aamma	
		Prior converted cropland, as determined by the Nat	ural Recou	reas Concernation S
	_			
	$\forall$	Non-tidal drainage or irrigation ditches excavated of	on dry land	. Explain rationale:
		Other (explain):	,	
DATA I	PEVIEV	WED FOR HIDSPACENCE.		
Ø	Mane	WED FOR JURSIDICTIONAL DETERMINATION	ON (mark	all that apply):
局		Pians, pios of pial sublifficit by or on nengit of the	maliaant	•••
5.23	Data 31	neets prepared/submitted by or on behalf of the appli	cant.	
	H 711	is office concurs with the delineation report, dated	, prep	ared by (company):
	Doto ob	is office does not concur with the delineation report,	dated	, prepared by (company):
員	Coma'	neets prepared by the Corps.		, ( , , , , , , , , , , , , , , , , , ,
台	Colps	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
台	U.S. G	eological Survey 7.5 Minute Topographic maps: Hig	hlands, Tex	xas
	U.S. U	cological Survey /.5 Minute Historic quadrangles	•	
H	U.S. Ge	cological Survey 15 Minute Historic quadrangles:		
井	USDA	Natural Resources Conservation Service Soil Survey	:	
	ivationa	il wetlands inventory maps:		
	State/Lo	ocal wetland inventory maps:		
	rema/	FIRM maps (Map Name & Date):		
	100-yea	r Floodplain Elevation is: (NGVD)		
<b>#</b>	Aerial P	hotographs (Name & Date):		
	Other pl	hotographs (Date):		
	Advance	ed Identification Wetland maps:		
	Site visi	t/determination conducted on:		
	Applicat	ble/supporting case law:		
	Other in:	formation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 24025

PROJECT LOC	ATION INFORMATION.
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State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29.5997N; 94.8203W Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 6 Dec 05
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Pula Information Should be a few formation of the state of th

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Open waters of Galveston Bay

**FILE NUMBER: 24025** 

Ē	J Ordi □	inary High Water Mark indicated by:  clear, natural line impressed on the bank	- Addition of	329) High Tide Line indicated by: oil or scum line along shore objects
		the presence of litter and debris		fine shell or debris deposits (foreshore)
		changes in the character of soil destruction of terrestrial vegetation		physical markings/characteristics tidal gages
		shelving		other:
		other:		
E	Mear	n High Water Mark indicated by:		
	☐ sı	urvey to available datum; Dphysical markings; D	] vegeta	ation lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetland d	delineati	ion map and/or in a delineation report prepared by:
Ba	sis For	Not Asserting Jurisdiction:		
	Ther	eviewed area consists entirely of uplands.		
		ele to confirm the presence of waters in 33 CFR part	328(a)(	(1, 2, or 4-7).
		quarters declined to approve jurisdiction on the basi	is of 33 he follos	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the
	Unite	au States.		
		Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to	nds or la	agoons, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating a	and/or d	liking dry land to collect and
		retain water and which are used exclusively for su	uch purp	poses as stock watering, irrigation, settling basins, or
		rice growing.  Artificial reflecting or swimming pools or other st		
		by excavating and/or diking dry land to retain wat	ter for n	primarily aesthetic reasons
		water-filled depressions created in dry land incide	ental to	construction activity and nits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unles abandoned and the resulting body of water meets	the defi	inition of waters of the United States found at 33 CFR
		320.3(a).		
		Isolated, intrastate wetland with no nexus to inters Prior converted cropland, as determined by the Na	state cor atural Re	mmerce. Resources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry	land. Explain rationale:
DATA I	REVIEV	WED FOR JURSIDICTIONAL DETERMINAT	'ION (~	month all 4h a4 ample).
赵	maps,	plans, plots or plat submitted by or on behalf of the	applica	ant.
	Data sl	heets prepared/submitted by or on behalf of the applying office concurs with the delignation		
	∐ Th	nis office concurs with the delineation report, dated his office does not concur with the delineation repor	, j t. dated	prepared by (company):  , prepared by (company):
	Data st	heets prepared by the Corps.	i, autoa	, prepared by (company).
	Corps'	navigable waters' studies: eological Survey Hydrologic Atlas:		
N	U.S. G	eological Survey 7.5 Minute Topographic mans: Sn	nith Poi	int. Texas
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		
ā	USDA	eological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Surve	ev.	
	Nationa	al wetlands inventory maps:	cy.	
	State/L FEMA/	ocal wetland inventory maps: /FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
	Aerial I	Photographs (Name & Date):		
	Advanc	photographs (Date): ced Identification Wetland maps:		
	Site vis	it/determination conducted on:		
	Applica Other in	able/supporting case law: information (please specify):		
3000E	J 11	(prouse specify).		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 24026** 

PROJECT L	OCATION INFORMATION:
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State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

29.5403N; 94.8075W

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: East Galveston Bay Galveston Bay

Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 dec 05

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the or the content of the con United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mathere are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Open waters of Galveston Bay

FILE NUMBER: 24026

L:	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
E	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Smith Point, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 24027

P	'n	О	$\mathbf{JE}$	CT	ľ	OCA	TION	INFOR	M A	TION

State: Texas County: Trinity

Center coordinates of site (latitude/longitude): 30.9349N; 95.2687W Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 6 Dec 2006

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24027 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

High Tide Line indicated by:

	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
<b>《图》 图以图以图图图图图图图图图图图图图</b>	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Trinity East, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-07-041

PROJECT LOCATION INFORMAT	TION.
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State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.8175N; 95.7419W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: South Mayde Creek

Name of watershed:

Mayde Creek

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 Dec 05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	2
La	FILE NUMBER: SWG-05-07-041 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
U U U U U U U U U U U U U U U U U U U	WIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Data sheets prepared by (company):  Data sheets prepar

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-05-12-040

PROJECT	<b>LOCATION</b>	<b>INFORMA</b>	TION:

State: Texas County: Jefferson

Center coordinates of site (latitude/longitude): Lat: 30.07.13 Long: 94.10.54

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Un-named tributary to Hillebrandt Bayou

Name of watershed: Sabine River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s)

Date: 6 December 2005

Date(s):

### Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
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Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: USGS map: Beaumont West

	2
La	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation  right Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	shelving other: other:  Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
I [ ] I O U U N S F I O A Si A A Si A	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Beaumont West  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Ageological Survey 15 Minute Historic quadrangles:  J.S. Ageological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute Historic quadrangles:  J.S. Geological Survey 10 Minute H

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-036** 

PROJECT	<b>LOCATION</b>	INFORMATION:

State: Texas County: Jefferson

Center coordinates of site (latitude/longitude): Lat: 30.07.13 Long: 94.10.54

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Un-named tributary to Hillebrandt Bayou

Name of watershed: Sabine River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 6 December 2005 Site visit(s)

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: USGS map: Beaumont West

2 FILE NUMBER: SWG-05-14-036 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Beaumont West U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17628

### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29 59'10"N 95 26'24" Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Greens Bayou Name of watershed: Greens Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 6 December 2005

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 10-17628 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Ditch Created in uplands Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Aldine U.S. Geological Survey 7.5 Minute Historic quadrangles: 1919 & 1945 Aldine U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-17632

#### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29° 40' 25"N, 95° 18' 50"W

Approximate size of area (parcel) reviewed, including uplands: 14 acres.

Name of nearest waterway: Sims Bayou Name of watershed: Sims Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 7 December 2005

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the there appear to be no "w United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17632

L	ateral 1	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	200	FILE NUMBER: D-1763
<u> </u>	Ord	inary High Water Mark indicated by: clear, natural line impressed on the bank		n Tide Line indicated by: oil or scum line along shore objects
	H	the presence of litter and debris		fine shell or debris deposits (foreshore)
		changes in the character of soil destruction of terrestrial vegetation		physical markings/characteristics
		shelving	Н	tidal gages other:
	Ц	other:		
R	Mean □ s	n High Water Mark indicated by: urvey to available datum;	ition l	lines/changes in vegetation types.
		and boundaries, as shown on the attached wetland delineati		
Ba	sis For	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.		
	Unab	ple to confirm the presence of waters in 33 CFR part 328(a)(	1. 2.	or 4-7)
7.00 2.00 100	Head	quarters declined to approve jurisdiction on the basis of 33	CER	nort 328 3(a)(2)
		Corps has made a case-specific determination that the followed States:	ving v	waters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or la	igoon	s, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or d	if the	irrigation ceased
	_	retain water and which are used exclusively for such pure	oses	as stock watering, irrigation, settling basins or
		nee growing.		
		Artificial reflecting or swimming pools or other small orr by excavating and/or diking dry land to retain water for p	rimar	rily aesthetic reasons
		water-filled depressions created in dry land incidental to	const	truction activity and nite excavated in day land for
		the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defi 328.3(a).	ntil th	le construction or excavation operation is
		Isolated, intrastate wetland with no nexus to interstate cor	nmer	ce.
	П	Prior converted cropland, as determined by the Natural Re	esour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land.	Explain rationale:
DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMINATION (m	ark :	all that apply):
<u> </u>	Data s	plans, plots or plat submitted by or on behalf of the application heets prepared/submitted by or on behalf of the applicant.	ınt.	
200000000000000000000000000000000000000	☐ Tì	his office concurs with the delineation report, dated	prepa	red by (company):
<b>53</b>	Data si	nis office does not concur with the delineation report, dated heets prepared by the Corps.	-	, prepared by (company):
24.0 24.0	Corps'	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
	U.S. G	eological Survey 7.5 Minute Topographic maps: 1995 Park eological Survey 7.5 Minute Historic quadrangles:	Plac	e
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
1000 P	USDA Nation	Natural Resources Conservation Service Soil Survey: al wetlands inventory maps:		
	State/L	ocal wetland inventory maps:		
<b></b> The state of the state</th <td><b>FEMA</b></td> <td>/FIRM maps (Map Name &amp; Date): 6 November 2005 Harri</td> <td>s Cou</td> <td>unty</td>	<b>FEMA</b>	/FIRM maps (Map Name & Date): 6 November 2005 Harri	s Cou	unty
<u>~</u>	Aerial	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): 2004 Aerial; 1995 Park Place	DOC	20
and the second	Other p	photographs (Date):	שטע	( <del>V</del>
	Advano Site vis	ced Identification Wetland maps: sit/determination conducted on:		
	Applica	able/supporting case law:		
	Other is	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 11811(03)

		1911(00)		
S C C A N	tate: 1 ounty: ( enter coordina pproximate size	FION INFORMATION: Texas Offshore, Brazoria tes of site (latitude/longitu ze of area (parcel) reviewe t waterway: Gulf of Mexico thed: Gulf of Mexico	d, including	Latitude 28° 47' 33.920; Longitude -95° 20' 51.276" g uplands: 40 acres.
	ompleted: I	L DETERMINATION Desktop determination Site visit(s)		Date: 7 Dec 05 Date(s):
J	urisdictional l	Determination (JD):		
	Preliminar United State	y JD - Based on available i	nformation ers of the U	, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
D	Approved . Check all t		appealable	e action (Reference 33 CFR part 331).
	There at the reviewe	are "navigable waters of the ed area. Approximate size	e United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There a reviewed a	are "waters of the United S rea. Approximate size of j	tates" (as durisdictions	defined by 33 CFR part 328 and associated guidance) within the al area:
				te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No
RASIS	OF HIRISD	ICTIONAL DETERMIN	ATION.	
	Waters de The present	fined under 33 CFR part ce of waters that are subject	329 as "na t to the ebb	vigable waters of the United States":  and flow of the tide and/or are presently used, or have been used in  rt interstate or foreign commerce.
B S	(1) The pre	sence of waters, which are	currently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
	(2) The pre (3) The pre sandflats, w destruction (i) whi (ii) fro	sence of interstate waters is sence of other waters such vetlands, sloughs, prairie p of which could affect inte- ich are or could be used by om which fish or shellfish a	ncluding in as intrastat otholes, we estate comm interstate of re or could	terstate wetlands <sup>1</sup> .  te lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.
	(4) Impoun (5) The pre (6) The pre	dments of waters otherwis sence of a tributary to a wasence of territorial seas.	e defined as iter identifi	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
<b></b>	But and marcuted by,
	the presence of litter and debris fine shell or debris deposits (foreshore)
	Changes in the character of soil hysical markings/characteristics
	destruction of terrestrial vegetation     tidal gages
	☐ shelving ☐ other:
	other:
	Mean High Water Mark indicated by:
1	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
L	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
8	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and rich assessment.
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	_
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Other (explain):
DATAE	PEVIEWED FOR HURSINGTIONAL PROPERTY.
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
H	Maps, plans, plots or plat submitted by or on behalf of the applicant.
ш	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
Ø	Data sheets prepared by the Corps.
Ħ	Corps' navigable waters' studies:
H	U.S. Geological Survey Hydrologic Atlas:
目	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
H	U.S. Geological Survey 15 Minute Historic quadrangles:
H	USDA Natural Resources Conservation Service Soil Survey:
H	National wetlands inventory maps:
H	State/Local wetland inventory maps:
H	FEMA/FIRM maps (Map Name & Date):
H	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
Щ	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
Ø	Other information (please specify): Offshore

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-15974

#### PROJECT LOCATION INFORMATION:

State: Texas County: Kleberg

Center coordinates of site (latitude/longitude): 27-29-48.4 97-15-31.9 Approximate size of area (parcel) reviewed, including uplands: approx. 12,000 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: Gulf of Mexico

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 December 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 12,000 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Work to be performed in the Gulf of Mexico a navigable water subject to the ebb and flow of the tide.

I.	ateral F	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	220		FILE NUMBER: D	-139/
<u> </u>	Ordi			gh Tio	le Line indicated by:	
		the presence of litter and debris	F	] Oil	or scum line along shore objects e shell or debris deposits (foreshore)	
		changes in the character of soil	×	phy	sical markings/characteristics	
	H	destruction of terrestrial vegetation shelving	F		al gages	
		other:	L	] oth	er:	
	Mear	n High Water Mark indicated by:				
	_	urvey to available datum; physical markings; veget				
	~	and boundaries, as shown on the attached wetland delinea	tion	map a	nd/or in a delineation report prepared by	:
Ba	sis For	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.				
State of Sta	Unab	ble to confirm the presence of waters in 33 CFR part 328(a)	)(1. 2	2. or 4	-7)	
in in	Head	quarters declined to approve jurisdiction on the basis of 3	CF	Rnart	328 3(2)(3)	
	ine	Corps has made a case-specific determination that the followed States:	win	g wate	ers present on the site are not Waters of the	he
	R	Waste treatment systems, including treatment ponds or	lago	ons, p	ursuant to 33 CFR part 328.3.	
		Artificially irrigated areas, which would revert to uplane Artificial lakes and ponds created by excavating and/or	d if t dibir	he irri	gation ceased.	
		retain water and which are used exclusively for such pu	rpose	es as s	tock watering, irrigation, settling basins,	or
		rice growing.  Artificial reflecting or swimming pools or other small or				
		by excavating and/or diking dry land to retain water for	prim	arily:	aesthetic reasons	
		water-filled depressions created in dry land incidental to	cor	istruci	tion activity and nits excavated in dry lar	d for
		the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the details and all the resulting body of water meets the details.	until Finiti	the co	onstruction or excavation operation is	PED
		320.3(a).			waters of the Officer States found at 33 (	JFK
		Isolated, intrastate wetland with no nexus to interstate co Prior converted cropland, as determined by the Natural I	mm	erce.	Consequentian Service Fundain and a 1	
	_					
		Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	/ lan	d. Ex	plain rationale:	
DATA I	REVIEV Mana	WED FOR JURSIDICTIONAL DETERMINATION (	mar	k all t	hat apply):	
	Data s	plans, plots or plat submitted by or on behalf of the applicant. heets prepared/submitted by or on behalf of the applicant.	ant.			
	∐ Tī	his office concurs with the delineation report, dated	, pre	pared	by (company):	
	∐ Th	his office does not concur with the delineation report, date	d		repared by (company):	
**************************************	Corps'	heets prepared by the Corps. 'navigable waters' studies:				
	U.S. G	eological Survey Hydrologic Atlas:				
<b>X</b>	U.S. G	eological Survey 7.5 Minute Topographic maps: South Bi	rd Is	land		
1-12- 2-2	U.S. G	eological Survey 7.5 Minute Historic quadrangles: eological Survey 15 Minute Historic quadrangles:				
	USDA	Natural Resources Conservation Service Soil Survey:				
2	Nation	al wetlands inventory maps: South Bird Island				
	State/L	ocal wetland inventory maps: /FIRM maps (Map Name & Date):				
	100-ye	ar Floodplain Elevation is: (NGVD)				
2-2-2	Aerial 1	Photographs (Name & Date):				
		photographs (Date): ced Identification Wetland maps:				
萱	Site vis	sit/determination conducted on:				
<u> </u>	Applica	able/supporting case law:				
Liday	Other in	nformation (please specify):				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 24024** 

PR	OJECT	$\Gamma$ LOCA	TION	<b>INFORM</b>	ATION.

State:

Texas

County:

Walker

Center coordinates of site (latitude/longitude):

Lat: 30.51.14 Long: 95.23.06

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 December 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchere There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24024

La	ateral I	Extent of Jurisdiction: (Reference: 33 CFR parts 32		٥,	FILE NUMBER: 240.
	Ordi	inary High Water Mark indicated by:	28 and 329	9)	
-		mary riight water wark indicated by:	□ H:	igh	Tide Line indicated by:
	님	clear, natural line impressed on the bank			oil or scum line along shore objects
	$\Box$	the presence of litter and debris		7	fine shell or debris deposits (foreshore)
		changes in the character of soil	Ē	Ħ	physical markings/characteristics
		destruction of terrestrial vegetation	7	Ħ.	tidal gages
		shelving	<u> </u>		
	Ħ	other:	L		other:
	U	oner.			
	Mear	n High Water Mark indicated by:			
	∐ sı	urvey to available datum; 🔲 physical markings; 🔲	vegetatio	n l	ines/changes in vegetation types.
g	Wetl	and boundaries, as shown on the attached wetland de	elineation	ma	ap and/or in a delineation report prepared by:
Bas Bas Bas Bas Bas Bas Bas Bas Bas Bas	The runab Heade The Cunite	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part quarters declined to approve jurisdiction on the basis Corps has made a case-specific determination that the States: Waste treatment systems, including treatment pon	s of 33 CF e followin ds or lago	R p	part 328.3(a)(3). waters present on the site are not Waters of the
		Artificially irrigated areas, which would revert to	upland if t	the	irrigation ceased.
	ш	Artificial lakes and ponds created by excavating a	nd/or dikii	ng	dry land to collect and
		retain water and which are used exclusively for su- rice growing.	ch purpos	es a	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other sn	nall ornam	nen	ital bodies of water created
		by excavating and/or diking dry land to retain water	er for prim	nari	ily aesthetic reasons
		water-titled depressions created in dry land incide	ntal to cor	nsti	fliction activity and nits excavated in day land for
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).	and unfil	the	e construction or everyotion amounting in
		Isolated, intrastate wetland with no nexus to interst	4		
		Prior converted cropland, as determined by the Nat	ate comm tural Reso	urc	es Conservation Service Explain rationals:
	П				
		Non-tidal drainage or irrigation ditches excavated of Other (explain):	on ary ian	а.	Explain rationale:
Ê	Data sh	WED FOR JURSIDICTIONAL DETERMINATI plans, plots or plat submitted by or on behalf of the application of the application of the concurs with the delineation report, dated its office does not concur with the delineation report,	applicant. cant.		red by (company):
	Data ch	neets prepared by the Corps.	dated		, prepared by (company):
	Come'	navigable waters' studies:			
222	Corps	navigable waters studies:			
8	U.S. U	eological Survey Hydrologic Atlas:			
20.2	U.S. G	eological Survey 7.5 Minute Topographic maps: Riv	erside		
	U.S. Ge	eological Survey 7.5 Minute Historic quadrangles:			
	U.S. Ge	cological Survey 15 Minute Historic quadrangles			
	USDA :	Natural Resources Conservation Service Soil Survey	<i>,</i> -		
	Nationa	al wetlands inventory maps:	•		
	State/Lo	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date):			
	100-ves				
	Aerial D	r Floodplain Elevation is: (NGVD) Photographs (Name & Date):			
	iciiai F	hotographs (Data):			
	Juier pi	hotographs (Date):			
	auvanc	ed Identification Wetland maps:			
	oite visi	t/determination conducted on:			
	Applica	ble/supporting case law:			
	Other in	formation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23933

#### PROJECT LOCATION INFORMATION:

State: Louisiana

County: Cameron Parish

Center coordinates of site (latitude/longitude): Lat: 29.54.51 Long: 93.49.56

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Un-named tributary to Johnson Bayou

Name of watershed: Sabine River

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 7 December 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23933

La	iteral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 328		220	FILE NUMBER: 239
	Ord	inary High Water Mark indicated by:	and.	329)	
*******		clear, natural line impressed on the bank	ш	High	Tide Line indicated by:
		the presence of litter and debris		님	oil or scum line along shore objects
		changes in the character of soil		님	fine shell or debris deposits (foreshore)
	$\Box$	destruction of terrestrial vegetation		님	physical markings/characteristics
	ñ	shelving			tidal gages
	$\Box$	other:			other:
m					
	Mear ☐ si	n High Water Mark indicated by:			
		urvey to available datum; physical markings;			
-	WCII	and boundaries, as shown on the attached wetland del	ineati	on ma	p and/or in a delineation report prepared by:
Bas E	The r Unab Head The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 33 quarters declined to approve jurisdiction on the basis of the corps has made a case-specific determination that the d States:	~£ 27 /	CED	200 27 700
	_				
	Н	Waste treatment systems, including treatment ponds	s or la	goons	, pursuant to 33 CFR part 328.3.
			Nond .	it that	immi cantinua 1
		The title in takes and policy created by excavating and	1/0+ 4	ilcina d	
	_	retain water and which are used exclusively for such rice growing.			
		Artificial reflecting or swimming pools or other sma	ll orn	ament	al bodies of water created
		of eventuing and/or diking dry land to retain water	tor no	rimoril	v o ooth atic
		Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a).			
		Isolated, intrastate wetland with no nexus to interstat			
		Prior converted cropland, as determined by the Natu	ral Re	source	es Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on Other (explain):			
DATA RI	EVIEV	VED FOR JURSIDICTIONAL DETERMINATIO	N (m:	ark al	I that anniv).
-	······································	plans, plots or plat submitted by or on behalf of the applications prepared/submitted by or on behalf of the applications.	nlicar	nt.	терију.
******	☐ Th	is office concurs with the delineation report, dated			.11 7
	Th:	is office does not concur with the delineation report, d	, p	orepare	ed by (company):
1	Jaia Sii	cets prepared by the Corns.	ated	,	, prepared by (company):
	Corps':	navigable waters' studies:			
J 🔛 U	J.S. Ge	cological Survey Hydrologic Atlas:			
J 🔯	J.S. Ge	cological Survey 7.5 Minute Tonographic mans: West	of Jol	hnson	Rayou
	).S. UC	ological Survey /.5 Minute Historic quadrangles.			Zayou
	).S. Ge	ological Survey 15 Minute Historic quadrangles:			
	JODA I	Natural Resources Conservation Service Soil Survey:			
	tatolia tato/I c	l wetlands inventory maps:			
F	FMA/	ocal wetland inventory maps: FIRM maps (Map Name & Date):			
i	00-vea				
A	erial P	r Floodplain Elevation is: (NGVD) hotographs (Name & Date):			
U U U U U U U U U U U U U U U U U U U	ther of	notographs (Name & Date):			
A A	dvance	ed Identification Wetland maps:			
■ Si	ite visi	determination conducted on			
■ A	pplical	ple/supporting case law:			
<b>a</b> o	ther in	formation (please specify):			
		• •			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-18023

### PROJECT LOCATION INFORMATION:

State: Texas County: Hidalgo

Center coordinates of site (latitude/longitude): 26-14-12.28 98-10-46.26 Approximate size of area (parcel) reviewed, including uplands: approx. 5 acres.

Name of nearest waterway: Hackney Inlet Name of watershed: Rio Grande

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8 December 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 12,000 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 32	(9)	FILE NUMBER:	D-18023
		ligh Tide Line	indicated by:	
	the presence of litter and debris	oil or scu	m line along shore objects or debris deposits (foreshore)	
	changes in the character of soil destruction of terrestrial vegetation	physical i	markings/characteristics	
	shelving	tidal gage other:	es	
	other:	ouici.		
<b>£</b>				
	survey to available datum; physical markings; vegetation			
	Wetland boundaries, as shown on the attached wetland delineation	map and/or i	n a delineation report prepared b	oy:
Ba	sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, Headquarters declined to approve jurisdiction on the basis of 33 C. The Corps has made a case-specific determination that the following United States:  Waste treatment systems, including treatment ponds or lager Artificially irrigated areas, which would revert to upland if Artificial lakes and ponds created by excavating and/or dikaretain water and which are used exclusively for such purporice growing.  Artificial reflecting or swimming pools or other small ornating by excavating and/or diking dry land to retain water for pring Water-filled depressions created in dry land incidental to contemporary the purpose of obtaining fill, sand, or gravel unless and untian abandoned and the resulting body of water meets the definition 328.3(a).  Isolated, intrastate wetland with no nexus to interstate communication.	FR part 328.3 and waters presons, pursuan the irrigation ing dry land to see as stock we mental bodies marily aesthet instruction act I the construction of waters	sent on the site are not Waters of t to 33 CFR part 328.3. ceased. o collect and ratering, irrigation, settling basin of water created ic reasons. tivity and pits excavated in dry lation or excavation operation is of the United States found at 33	s, or and for CFR
	Prior converted cropland, as determined by the Natural Reso	ources Conse	vation Service. Explain rational	e:
	Non-tidal drainage or irrigation ditches excavated on dry lar Other (explain):	nd. Explain ra	ationale:	
DAT <u>A</u> R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (ma	rk all that an	nly)e	
ZG.	iviaps, plais, plots or plat submitted by or on behalf of the applicant		P·1).	
	Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , pro	epared by (co	mnany).	
	This office does not concur with the delineation report dated		d by (company):	
200 A	Data sheets prepared by the Corps. Corps' navigable waters' studies:			
	U.S. Geological Survey Hydrologic Atlas:			
	U.S. Geological Survey 7.5 Minute Topographic maps: Pharr U.S. Geological Survey 7.5 Minute Historic quadrangles:			
1	U.S. Geological Survey 15 Minute Historic quadrangles:			
	USDA Natural Resources Conservation Service Soil Survey: Hidalg National wetlands inventory maps:	o County		
	State/Local wetland inventory maps:			
	FEMA/FIRM maps (Map Name & Date): Hidalgo Co., Tx. Commun	nity Panel No.	480334 0425C Nov. 16, 1982	
	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):			
	Other photographs (Date):			
	Advanced Identification Wetland maps: Site visit/determination conducted on:			
A A	Applicable/supporting case law:			
	Other information (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 23524** 

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State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

Lat: 29.27.39 Long: 94.58.20

Approximate size of area (parcel) reviewed, including uplands: 12 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 8 December 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dickinson Bayou is a Section 10 waterway. Wetlands associated with project are adjacent to Dickinson Bayou. Pleas see Wetland Delineation Verification File No. D-13166.

FILE NUMBER: 23524 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): D-13166

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 14392(05)1995

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State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.35.08 Long: 95.02.39

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Taylor Lake Name of watershed: Clear Lake

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8 December 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 14392(05)1995 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for  $\Box$ the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23975

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State: Texas
County: Trinity

Center coordinates of site (latitude/longitude): Lat: 30.51.42 Long: 95.13.21

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

### JURISDICTIONAL DETERMINATION

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23975 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Carlisle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-18015

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State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.48.29 Long: 95.43.35

Approximate size of area (parcel) reviewed, including uplands: 33 acres.

Name of nearest waterway: Mayde Creek Name of watershed: Greens Bayou

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 8 December 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The proposed project is located adjacent to Mayde Creek.

La	teral	Extent of Jurisdiction: (Reference: 33 CFR parts 328	and 32	29)	FILE NUMBER: D-18015
	Ord	amary riigh water wark indicated by:	☐ F	High '	Tide Line indicated by:
	H	clear, natural line impressed on the bank the presence of litter and debris		$\sqcup$	oil or scum line along shore objects
		changes in the character of soil		∐ t	ine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation	i	片:	physical markings/characteristics idal gages
	님	shelving	i		other:
		other:	`		
	Mea	an High Water Mark indicated by:			
		survey to available datum; 🔲 physical markings; 🔲 vo	egetati	on lir	nes/changes in vegetation types.
	Wet	land boundaries, as shown on the attached wetland deli-	neatior	n map	and/or in a delineation report prepared by:
	Unat Head	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 32. Iquarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the feed States:  Waste treatment systems, including treatment ponds Artificially irrigated areas, which would revert to uplantificial lakes and ponds greated by a second content of the	f 33 Cl ollowin or lago	FR pang wa	art 328.3(a)(3).  Atters present on the site are not Waters of the pursuant to 33 CFR part 328.3.
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		retain water and which are used exclusively for such rice growing.	purpos	ses as	stock watering, irrigation, settling basins or
	_	Artificial reflecting or swimming pools or other smal by excavating and/or diking dry land to retain water f Water-filled depressions greated in depters.			
		and depiessions cleated in the land incidente	1 to 00		
		the purpose of obtaining fill, sand, or gravel unless ar abandoned and the resulting body of water meets the 328.3(a).	d until definit	l the o	construction or excavation operation is f waters of the United States found at 33 CFR
( (		Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natura	comm	nerce.	
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[		Non-tidal drainage or irrigation ditches excavated on Other (explain):	dry lan	d. E	xplain rationale:
	ata sh	WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the appheets prepared/submitted by or on behalf of the applicar his office concurs with the delineation report, dated his office does not concur with the delineation report, dated	licant. it.	pared	I by (company):
	ata Si	iects prepared by the Coms	ted	, ]	prepared by (company):
C	orps'	navigable waters' studies.			
II U	.S. G	eological Survey Hydrologic Atlas:			
U.	.S. Ge	eological Survey 7.5 Minute Topographic maps: Addickeological Survey 7.5 Minute Historic quadrangles:	cs		
U.	.ა. სც	cological Survey 15 Minute Historic quadrangles:			
U	SUA	Natural Resources Conservation Service Soil Survey			
Na St	ationa	il wetlands inventory mans:			
FE	EMA/	ocal wetland inventory maps: FIRM maps (Map Name & Date):			
10	0-yea	r Floodplain Elevation is: (NGVD)			
■ Ae	rial P	Photographs (Name & Date)			
Ot Ad	ner pl	hotographs (Date): ed Identification Wetland maps:			
	e visi	t/determination wetland maps:			
Ap	plical	ble/supporting case law.			
Otl	her in	formation (please specify):			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 24003

## PROJECT LOCATION INFORMATION:

State: Texas County: Trinity

Center coordinates of site (latitude/longitude): Lat: 30.54.31 Long: 95.17.40

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 8 December 2005

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \) \( \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 a  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	nd 329)  High Tide Line indicated by: oil or scum line along she fine shell or debris depos physical markings/charac tidal gages other:	its (foreshore)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veg	getation lines/changes in vegetation	1 turnes
	Wetland boundaries, as shown on the attached wetland deline		
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328( Headquarters declined to approve jurisdiction on the basis of:  The Corps has made a case-specific determination that the fol United States:  Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to uplate the price growing.  Artificial lakes and ponds created by excavating and/of retain water and which are used exclusively for such price growing.  Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the deficient of the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water	33 CFR part 328.3(a)(3). lowing waters present on the site a relagoons, pursuant to 33 CFR part and if the irrigation ceased. It diking dry land to collect and surposes as stock watering, irrigation commental bodies of water created or primarily aesthetic reasons. To construction activity and pits expending the construction or excavation of the United States and the commerce.  Resources Conservation Service. E	n, settling basins, or cavated in dry land for n operation is ates found at 33 CFR
D C U U U U V N N N N N N N N N N N N N N N	Apply plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant as sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated that a sheets prepared by the Corps.  This office does not concur with the delineation report, dated that a sheets prepared by the Corps.  This office does not concur with the delineation report, dated that a sheets prepared by the Corps.  This office does not concur with the delineation report, dated that a sheets prepared by the Corps.  This office does not concur with the delineation report, dated that a sheets prepared by the Corps.  This office concurs with the delineation report, dated that a sheets prepared by the delineation report, dated that a sheets prepared by the Corps.  This office concurs with the delineation report, dated that a sheets prepared by the delineation report, dated that a sheets prepared by the delineation prepared by the delineation report, dated that a sheets prepared by the delineation report, dated that a sheets prepared by the delineation report, dated that a sheets prepared by the delineation report, dated that applicant.  This office concurs with the delineation report, dated and behalf of the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This office concurs with the delineation report, dated and the applicant.  This	cant. , prepared by (company): d , prepared by (company):	

Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** PE-RE **FILE NUMBER:** 24017

PROJECT LOCATION INFORMATION
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State:

TX

County: Chambers

Center coordinates of site (latitude/longitude):

29 33' 37.84" N 94 49' 38.26" W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Galveston Bay

Name of watershed: East (

East Galveston Bay, USGS Cataloging Unit: 12040202

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 12/8/05 Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a tidal body of water, navigable, and is used for interstate and foreign commerce.

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: Galveston District Navigable Water List  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geolo

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: PE-RE FILE NUMBER: 24018** 

## PROJECT LOCATION INFORMATION:

State:

TX

County:

Chambers Center coordinates of site (latitude/longitude):

29 33' 34.64" N 94 49' 47.46" W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Galveston Bay

Name of watershed:

East Galveston Bay, USGS Cataloging Unit: 12040202

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12/8/05 Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marker are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a tidal body of water, navigable, and is used for interstate and foreign commerce.

L	ateral	Extent of Jurisdiction: (Reference: 33			= =====================================
	Ord	inary High Water Mark indicated by:		High	h Tide Line indicated by:
	님	clear, natural line impressed on the ba	ınk		oil or scum line along shore objects
	님	the presence of litter and debris			fine shell or debris deposits (foreshore)
		changes in the character of soil			physical markings/characteristics
	$\sqcup$	destruction of terrestrial vegetation			tidal gages
	Ц	shelving		$\Box$	other:
	Ш	other:			
	Mea	n High Water Mark indicated by:	_		
		urvey to available datum;  physical			
	Wetl	and boundaries, as shown on the attach	ned wetland delineati	on m	ap and/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:			
	The r	eviewed area consists entirely of uplan	ıds.		
<u> </u>	Unab	ple to confirm the presence of waters in	33 CFR part 328(a)(	1. 2.	or 4-7)
Sec.	пеац	quarters declined to approve jurisdiction	on on the basis of 33	CED	nort 200 2(a)(2)
	1116	Corps has made a case-specific determined States:	nation that the follow	ving	waters present on the site are not Waters of the
		Waste treatment systems, including	treatment ponds or la	gaan	os pursuant to 22 CED mart 200 2
		minicially irrigated areas, which wo	ould revert to unland	if the	irrigation cancad
		Authoral takes and ponds created by	excavating and/or d	ikina	dry land to collect and
		retain water and which are used excl	usively for such purr	oses	as stock watering, irrigation, settling basins, or
	_				
		Artificial reflecting or swimming po	ols or other small orr	amer	ntal bodies of water created
		by excavating and/or diking dry land	to retain water for n	rimar	rily seethetic reasons
		water-infed depressions created in d	ry land incidental to	const	truction activity and nite assessed to 1 1 1 a
		are purpose of comming fill, saily, of	Playel lilless and m	MIII Th	16 construction or oxionistics assertion !
		dominationed and the resulting body of	water meets the defin	nition	n of waters of the United States found at 33 CFR
		5 <b>2</b> 5 15 (a).			
	H	Isolated, intrastate wetland with no n	exus to interstate cor	nmer	rce.
	Ц	Prior converted cropland, as determine	ned by the Natural Re	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditch	es excavated on dry	and.	Explain rationale
	Ш	Other (explain):	·		——————————————————————————————————————
DATA I	REVIE	WED FOR JURSIDICTIONAL DET	TERMINATION (m	ark :	all that anniv).
<u> </u>	iviaps,	plans, plots or plat submitted by or on	behalf of the applica	nt.	чин арр.у).
	Data s	heets prepared/submitted by or on beha	If of the applicant		
		is office concurs with the delineation i	report_dated	огера	red by (company):
		his office does not concur with the deli	neation report, dated	•	, prepared by (company):
	Data Si	iccis prepared by the Coms.			
	Corps	navigable waters' studies: Galveston I	District Navigable W	ater I	List
-	U.S. G	eological Survey Hydrologic Atlas:			
500.00 2000 2000	U.S. G	eological Survey 7.5 Minute Topograp	hic maps:		
2000 **********************************	U.S. G	eological Survey 7.5 Minute Historic o	uadrangles:		
64.42 2000 2000 2000	U.S. G	eological Survey 15 Minute Historic q	uadrangles:		
**************************************	Nation	Natural Resources Conservation Servial wetlands inventory maps:	ce Soil Survey:		
SLUG maken kinde	State/I	ocal wetland inventory maps:			
	FEMA	FIRM maps (Map Name & Date):			
Carlotte.	100-ve		WD)		
1.000	Aerial 1	ar Floodplain Elevation is: (NG' Photographs (Name & Date):	עע)		
	Other n	shotographs (Name & Date):			
	Advanc	red Identification Wetland maps:			
****	Site vis	it/determination conducted on:			
	Applica	ble/supporting case law:			
	Other in	nformation (please specify):			
		a speens).			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** PE-RE **FILE NUMBER:** 24019

DDATECT	LOCATION	INFORMA	TION

State: TX

County: Chambers

Center coordinates of site (latitude/longitude): 29 33' 25.22" N 94 49' 51.01" W

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Galveston Bay

Name of watershed: East Galveston Bay, USGS Cataloging Unit: 12040202

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 12/8/05 Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a tidal body of water, navigable, and is used for interstate and foreign commerce.

I.a	teral F	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	300	FILE NUMBER: 240)
	Ordi			Larry Larry Company
A. Carried		clear, natural line impressed on the bank	Higi	h Tide Line indicated by:
	Ħ	the presence of litter and debris	H	oil or scum line along shore objects
	Ħ	changes in the character of soil	님	fine shell or debris deposits (foreshore)
	Ħ	destruction of terrestrial vegetation	님	physical markings/characteristics
	H	shelving	$\sqcup$	tidal gages
	_	<u> </u>	Ш	other:
	ш	other:		
	Mean	High Water Mark indicated by:		
	☐ sı	urvey to available datum; physical markings; vegeta	ation	lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached wetland delineati	ion m	nap and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:		
di sud Ministr Olivia	Ine r	eviewed area consists entirely of uplands.		
20042 	Unad.	le to confirm the presence of waters in 33 CFR part 328(a)	(1, 2,	or 4-7).
200 700	The	quarters declined to approve jurisdiction on the basis of 33	CFR	. part 328.3(a)(3).
	I ne C	Corps has made a case-specific determination that the followed States:	wing	waters present on the site are not Waters of the
		d States:		
	H	Waste treatment systems, including treatment ponds or la	agoor	ns, pursuant to 33 CFR part 328.3.
	Н	Artificially irrigated areas, which would revert to upland	if the	e irrigation ceased.
	L	Artificial lakes and ponds created by excavating and/or d	liking	g dry land to collect and
		retain water and which are used exclusively for such pur- rice growing.	poses	s as stock watering, irrigation, settling basins, or
	U	Artificial reflecting or swimming pools or other small on by excavating and/or diking dry land to retain water for p	name	ental bodies of water created
		Water-filled depressions created in dry land incidental to	orima	rily aesthetic reasons.
		Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and u	CONS	struction activity and pits excavated in dry land for
		abandoned and the resulting body of water meets the defi	nui u	ne construction or excavation operation is
		328.3(a).	muo	n of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate con	mma	rca
		Prior converted cropland, as determined by the Natural R	esou	rces Conservation Service. Explain rationale:
	П			
		Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	land.	. Explain rationale:
DATA R	EVIE	WED FOR JURSIDICTIONAL DETERMINATION (n	nark	all that anniv).
<u> </u>	Maps,	plans, plots or plat submitted by or on behalf of the applica	ant.	an that appropri
	Data sl	heets prepared/submitted by or on behalf of the applicant.		
	∐ Th	his office concurs with the delineation report, dated	pren:	ared by (company):
********	□ Th	nis office does not concur with the delineation report, dated	FP	, prepared by (company):
33	Data sl	heets prepared by the Corps.		• • • • • • • • • • • • • • • • • • • •
200	Corps'	navigable waters' studies: Galveston District Navigable W	ater	List
21	U.S. G	eological Survey Hydrologic Atlas:		
	U.S. G	eological Survey 7.5 Minute Topographic maps:		
3. 3	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
-	USDA	Natural Resources Conservation Service Soil Survey:		
Size Same	Nation	al wetlands inventory maps:		
Sinhae entropy	State/L	ocal wetland inventory maps:		
	FEMA	/FIRM maps (Map Name & Date):		
	100-ye	ar Floodplain Elevation is: (NGVD)		
	Aerial 1	Photographs (Name & Date):		
		photographs (Date):		
	Advanc	ced Identification Wetland maps:		
		sit/determination conducted on:		
		able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** PE-RE **FILE NUMBER:** 24020

PROJECT LOCATION INFORMATION
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State: TX
County: Chambers

Center coordinates of site (latitude/longitude):

29 35' 11.57" N 94 53' 32.88" W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Galveston Bay

Name of watershed: North Galveston Bay USGS Cataloging Unit: 12040203

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 12/8/05 Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a tidal body of water, navigable, and is used for interstate and foreign commerce.

La	teral I	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	220\	FILE NUMBER: 2402
	Ordi			th Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mear ☐ sı	n High Water Mark indicated by: urvey to available datum;  physical markings;  vegeta	tion	lines/changes in vegetation types.
		and boundaries, as shown on the attached wetland delineati		
	The re Unabi Headed The C Unite	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328(a)(quarters declined to approve jurisdiction on the basis of 33 Corps has made a case-specific determination that the followed States:  Waste treatment systems, including treatment ponds or la Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or d retain water and which are used exclusively for such purprice growing.  Artificial reflecting or swimming pools or other small orm by excavating and/or diking dry land to retain water for p Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and ur abandoned and the resulting body of water meets the defin 328.3(a).  Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Reference.	CFR ving good if the iking sooses ame rima constitit the ition meresour	a part 328.3(a)(3).  waters present on the site are not Waters of the  ns, pursuant to 33 CFR part 328.3.  e irrigation ceased.  g dry land to collect and  s as stock watering, irrigation, settling basins, or  ental bodies of water created  urily aesthetic reasons.  struction activity and pits excavated in dry land for the construction or excavation operation is n of waters of the United States found at 33 CFR  rece.  reces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry l Other (explain):	and.	Explain rationale:
	Data sh Thin Thin Thin Data sh Corps' J.S. Ge J.S. Ge J.S. Ge J.S. Ge	the control of the co	nt. orepa	ared by (company): , prepared by (company):
N Si Fi 10 A O Ai Si Aj	IsDA I lationa tate/Lo EMA/I 00-yea erial P ther ph dvance ite vision pplical	Natural Resources Conservation Service Soil Survey:  I wetlands inventory maps: coal wetland inventory maps: FIRM maps (Map Name & Date): r Floodplain Elevation is: (NGVD) chotographs (Name & Date): notographs (Date): cd Identification Wetland maps: t/determination conducted on: cole/supporting case law: formation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23899

1	D	D	c	١	T	r.	C.	г	T	<u></u>	C	۸	T	ľ	c	1	J	T	N	F	n	R	ī	и	Δ	T	T	0	N	J.
	r	к	١.	J.	H		ι.		L	w	L.	А			v.	"	٧	ш	N	r	u	u.	ď	٧ı	Н	ΔI	ш	·U	,,,,,	٧.

State: County:

Texas Galveston

Center coordinates of site (latitude/longitude):

UTM 15, 327303E, 3249477N & 15, 365489E, 3274610N

Approximate size of area (parcel) reviewed, including uplands: 473 acres.

Name of nearest waterway: GIWW & GOM East Galveston Bay Name of watershed:

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 8 December 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, 🛛 there appear to be (or) 🗌 there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands and waters adjacent to the GIWW and the Gulf of Mexico

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Sec1 - Blanton & Assoc. (Jun 2005), Sec-2 - Halff Assoc. (Apr 2003) see also D-13034, Sec 3 - Berg Oliver (Jun 2005), Sec 4 - TXDOT (Jun 2003), Sec 5 - Berg Oliver (Apr 2005)
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

(6) The presence of territorial seas.

	NUMBER: SWG-05-07-038	
Stat Cou Cen App Nan	State: Texas County: Brazoria County Center coordinates of site (latitude/longitude): 29° 34' 56"N, 95° 24' 02" W Approximate size of area (parcel) reviewed, including uplands: 0.0161 acres. Name of nearest waterway: Clear Creek Name of watershed: Huc Code: 12040204, West Galveston Bay	
	SDICTIONAL DETERMINATION  Completed: Desktop determination	
Jur	Jurisdictional Determination (JD):	
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be not United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is (Reference 33 CFR part 331).	"waters of the not appealable
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated the reviewed area. Approximate size of jurisdictional area: 0.0161 acre.	guidance) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) reviewed area. Approximate size of jurisdictional area: 0.0161 acre.	within the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for De Jurisdiction.	termination of No
Δ	IS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or hat the past, or may be susceptible for use to transport interstate or foreign commerce.	ive been used in
	B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent stream sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, destruction of which could affect interstate commerce including any such waters (check all that apply (i) which are or could be used by interstate or foreign travelers for recreational or other purpose (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.	ns), mudflats, egradation or y): s.
	(5) The presence of a tributary to a water identified in (1) – (4) above.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Clear Creek is a navigable water of the United States, contiguous with Clear Lake which is contiguous with Galveston Bay. Therefore Clear Creek is a jurisdictional water of the United States.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Ι.	steral Extent of Junisdictions (Defense 22 GER 200 100)
	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   The tromber is the part of soil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Ea	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Almeda Texas Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Almeda Texas Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ Almeda SE quadrant.  Other photographs (Date):
	Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Multiple DA Permits along the length of Clear Creek

-B93

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17305

# PROJECT LOCATION INFORMATION:

State: TX
County: Galveston

Center coordinates of site (latitude/longitude): 29° 12′ 41″N, 94° 56′ 10″W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Gulf of Mexico/Eckert Bayou

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 12/09/05
Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\subseteq\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands (per the 87 WDM) are located in the 100-yr flood plain and appear to be adjacent to the Gulf of Mexico and /or Eckert Bayou both are tidal and nviaagbale waters of the US.

T o	taral F	stant of Iuniadiations (Defenses 22 CED	. 200	220	FILE NUMBER: D-17303
	liciai E.	xtent of Jurisdiction: (Reference: 33 CFR p			
148		ary High Water Mark indicated by:	18	Hig	gh Tide Line indicated by:
	H	clear, natural line impressed on the bank		<u> </u>	oil or scum line along shore objects
		the presence of litter and debris			and the state of t
		changes in the character of soil			physical markings/characteristics
		destruction of terrestrial vegetation			tidal gages
		shelving			other:
		other:	ļ		
-					
華		High Water Mark indicated by:			
	su	rvey to available datum; 🔲 physical markin	gs; 🔲 vege	tatior	n lines/changes in vegetation types.
******					
<b>B</b>	Wetla	nd boundaries, as shown on the attached wetl	and delinea	tion 1	map and/or in a delineation report prepared by:
Ba	sis For l	Not Asserting Jurisdiction:			
<u>2</u>	The re	viewed area consists entirely of uplands.			
38	Unable	e to confirm the presence of waters in 33 CFI	R part 328(a	)(1, 2	2, or 4-7).
墨	Headq	uarters declined to approve jurisdiction on th	e basis of 3:	CFI	R part 328.3(a)(3).
圍	The C	orps has made a case-specific determination	hat the follo	wing	g waters present on the site are not Waters of the
	United	States:			5 waters present on the site are not waters of the
		Waste treatment systems, including treatme	nt ponds or	lagor	ons nursuant to 33 CFR part 328 3
		Artificially irrigated areas, which would rev	ert to unlan	d if t	he irrigation ceased
		Artificial lakes and ponds created by excava	ting and/or	dikir	ag dry land to collect and
		retain water and which are used exclusively	for such pu	rnose	es as stock watering, irrigation, settling basins, or
		rice growing.	Tor Such pu	ı pose	as stock watering, irrigation, setting basins, or
		Artificial reflecting or swimming pools or o	ther small o	rnam	antal hading of water arrested
		by excavating and/or diking dry land to reta	in water for	nrim	icital bodies of water created
		Water-filled depressions created in dry land	in water for	priiii	extraction activities and alternative to the last
		the purpose of obtaining fill, sand, or gravel	unless end	O COL	nstruction activity and pits excavated in dry land for
		ahandoned and the resulting hody of water	nants the de	umm C::::	the construction of excavation operation is
		328.3(a).	neets the de	ıınıtı	on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to	imtanatata -		
	Ħ	Prior converted cropland as determined by	he Netural	Daaa	urces Conservation Service. Explain rationale:
		Thor converted cropiand, as determined by	ile Naturai	Keso	urces Conservation Service. Explain rationale:
	П	Non-tidal drainage or irrigation ditches exca	voted on de	ı, lon	d. Evaloin actionals.
		Other (explain):	valed on di	y iaii	u. Expiani rationale:
	LJ	outer (explain).	:		
DATAR	EVIEV	VED FOR JURSIDICTIONAL DETERM	IN A TION		L = 11 4k = 4 = 1 . 1 . 1
1821	Mans	plans, plots or plat submitted by or on behalf	of the combi	mar	к ан тпат арргу):
<b>3</b>	Data ch	neets prepared/submitted by or on behalf of the	or the appli	cant.	
	Th Th	is office concurs with the delineation report,	e applicant.		11. 7
	H 711	is office does not concur with the delineation	dated	, pre	pared by (company):
	Data ch	is office does not concur with the delineation teets prepared by the Corps.	report, date	a	, prepared by (company):
500					
£.4	LICC	navigable waters' studies:			
	U.S. U	cological Survey Hydrologic Atlas:	İ		
	U.S. G	eological Survey 7.5 Minute Topographic ma	ps:		
	U.S. G	cological Survey 7.5 Minute Historic quadrar	igles:		
	U.S. G	cological Survey 15 Minute Historic quadran	gles:		
	USDA	Natural Resources Conservation Service Soil	Survey:		
atur Emir		l wetlands inventory maps:			
		ocal wetland inventory maps:			
		FIRM maps (Map Name & Date):			
×	100-yea	ur Floodplain Elevation is: (NGVD)			
	Aerial I	Photographs (Name & Date): 1995 & 2003	 		
	Other p	hotographs (Date):			
		ed Identification Wetland maps:			
žei		it/determination conducted on:			
		ble/supporting case law:	!		
	Other in	nformation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.